

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHIRLEY RIGGINS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant.

CASE NO. C 10-5503 BHS

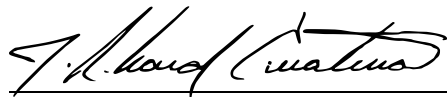
REPORT AND RECOMMENDATION
ON PARTIES' STIPULATED MOTION
TO REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the parties' stipulated motion to reverse and remand the matter to the Commissioner for further consideration. (ECF No. 19.) After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and reverse and remand this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative Law Judge (ALJ) will conduct a de novo hearing, further develop the record and issue a new decision. The ALJ will evaluate further the materiality of substance

1 abuse and severity of mental impairments; give further consideration to opinion evidence from
2 Dr. Halley; and evaluate further the diagnosed impairment of fibromyalgia.

3 Given the fact of the parties' stipulation, the Court recommends that the District Judge
4 immediately approve this Report and Recommendation and order the case **REVERSED** and
5 **REMANDED**.

6 DATED at this 14th day of January, 2011.
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10 J. Richard Creatura
11 United States Magistrate Judge
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